IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT :

THE HONOURABLE MR. JUSTICE V.RAMKUMAR

WEDNESDAY, THE 21ST NOVEMBER 2007 / 30TH KARTHIKA 1929

Crl.Rev.Pet.No. 4114 of 2007()

AGAINST THE ORDER IN CA.NO.15/2007 IN SC.555/2003 of SPECIAL COURT FOR TRIAL FOR MARADU CASES,KOZHIKODE

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REVN. PETITIONER:

STATE OF KERALA REPRESENTED
BY D.G.P., HIGH COURT OF KERALA,
ERNAKULAM.

BY DIRECTOR GENERAL OF PROSECUTION SRI.P.G.THAMPI

RESPONDENTS: ACCUSED 1 TO 55, 57 TO 61, 63 TO 87,89,90,92 TO

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1. T.P.MUHAMMED ALI, S/O.MAMMED KOYA, THEKKEPURATH VEEDU, MARADU (R.P.NO.4084-THROUGH SUPERINTENDENT, DISTRICT JAIL, PUTHIYARA, KOZHIKODE)-ACCUSED NO.1

2. SAKKER, S/O.USSAYIN KUTTY ERJUVINTAKATH VEEDU, MARADU (R.P.NO.4177-THROUGH SUPERINTENDENT DISTRICT JAIL, PUTHIYARA, KOZHIKODE)-ACCUSED NO.2.

3. MAJEED, S/O.KADER, SEEMAMUTAKATH VEEDU, MARADU (R.P.NO.3928-THROUGH SUPERINTENDENT DISTRICT JAIL, PUTHIYARA, KOZHIKODE)-ACCUSED NO.3.

4. MARZOOK, S/O.MOIDEEN KOYA,

PALLITHODY, MARAD (R.P.NO.3996-THROUGH SUPERINTENDENT DISTRICT JAIL, PUTHIYARA, KOZHIKODE)-ACCUSED NO.4.

5. USSAYIN KOYA @ NOUSHAD, S/O.ALI KOYA, KINATTINGALAKATH VEEDU, MARAD (R.P.NO.3999-THROUGH SUPERINTENDENT DISTRICT JAIL, PUTHIYARA, KOZHIKODE)-ACCUSED NO.5.

6. MANAF.P.P., S/O.IBRAHIM, PUTHIYAPURAYIL VEEDU, MARAD (R.P.NO.3997-THROUGH SUPERINTENDENT DISTRICT JAIL, PUTHIYARA, KOZHIKODE)-ACCUSED NO.6.

7. VIGILY, S/O.ABOOBACKER, THEKKEPURATH VEEDU, MARAD (R.P.NO.4094- THROUGH SUPERINTENDENT DISTRICT JAIL, PUTHIYARA, KOZHIKODE)-ACCUSED NO.7.

8. ALI AKBAR @ BICHUMON, S/O.ALI, KUNNATHUPARAMBA VEEDU, BEYPORE (R.P.NO.4305-THROUGH SUPERINTENDENT, DISTRICT JAIL, PUTHIYARA, KOZHIKODE)- ACCUSED NO.8.

9. AZEEZ, S/O.NOORUDEEN, MAMANTAKATH VEEDU, BEYPORE (R.P.NO.4300- THROUGH SUPERINTENDENT, DISTRICT JAIL, PUTHIYARA, KOZHIKODE)- ACCUSED NO.9.

10. C.P.RAFEEQUE, S/O.MOIDEEN KOYA, CHERUPURAKKAL VEEDU, BEYPORE (R.P.NO.4298- THROUGH SUPERINTENDENT, DISTRICT JAIL, PUTHIYARA, KOZHIKODE)- ACCUSED NO.10.

11. HARIS, S/O.HUSSAYIN, PARECHANTAKATH VEEDU, MARAD (R.P.NO.4096- THROUGH SUPERINTENDENT, DISTRICT JAIL, PUTHIYARA, KOZHIKODE)- ACCUSED NO.11.

12. ABDUL NAZEER @ NAZEER, MUHAMMED KOYA, THEKKEPURATH VEEDU, MARAD (R.P.NO.4085- THROUGH SUPERINTENDENT, DISTRICT JAIL, PUTHIYARA, KOZHIKODE)- ACCUSED NO.12.

13. ABDUL SATHAR, S/O.USMANKUTTY, PAREECHANKATH VEEDU, MARAD (R.P.NO.4657- THROUGH

SUPERINTENDENT, DISTRICT JAIL, PUTHIYARA, KOZHIKODE)- ACCUSED NO.13.

14. SAIDALAVI, S/O.ABDUL KHADER, PAREECHANKATH VEEDU, MARAD (R.P.NO.3912- THROUGH SUPERINTENDENT, DISTRICT JAIL, PUTHIYARA, KOZHIKODE)- ACCUSED NO.14.

15. ABDUL RIZAL @ RIZAL BABU @ BABU, S/O.ILLIYAS, PALLITHODY VEEDU, MARAD, (R.P.NO.4095- THROUGH SUPERINTENDENT, DISTRICT JAIL, PUTHIYARA, KOZHIKODE)- ACCUSED NO.15.

16. LATHEEF.P.P., S/O.BEERAN KOYA, PUTHENPEEDIYEKKAL VEEDU, MARAD, (R.P.NO.3911 THROUGH SUPERINTENDENT, DISTRICT JAIL, PUTHIYARA, KOZHIKODE)- ACCUSED NO.16.

17. SHIHAB, S/O.MAMMED KOYA, ERJUNTAKATH VEEDU, MARAD, (R.P.NO.4036 THROUGH SUPERINTENDENT, DISTRICT JAIL, PUTHIYARA, KOZHIKODE)- ACCUSED NO.17.

18. AKBAR, S/O.ABDURAHIMAN, KINATTINGALAKATH VEEDU, MARAD, (R.P.NO.3995 THROUGH SUPERINTENDENT, DISTRICT JAIL, PUTHIYARA, KOZHIKODE)- ACCUSED NO.18.

19. FAIZAL KADALUNDY, S/O.HAMSAKUTTY, PAREECHANTE PURA, (R.P.NO.4539 THROUGH SUPERINTENDENT, DISTRICT JAIL, PUTHIYARA, KOZHIKODE)- ACCUSED NO.19.

20. HARSHAD, S/O.AHAMMED KOYA, THEKKEPURATH VEEDU, MARAD (R.P.NO.4035 THROUGH SUPERINTENDENT, DISTRICT JAIL, PUTHIYARA, KOZHIKODE)- ACCUSED NO.20.

21. RAHIM, S/O.BICHI KOYA, ERJUVINTAKATH VEEDU, MARAD (R.P.NO.4204 THROUGH SUPERINTENDENT, DISTRICT JAIL, PUTHIYARA, KOZHIKODE)- ACCUSED NO.21.

22. ABDUL NAZEER, S/O.POOKKU, MAMMANTKATH

HOUSE, BEYPORE, (R.P.NO.4660 THROUGH SUPERINTENDENT, DISTRICT JAIL, PUTHIYARA, KOZHIKODE)- ACCUSED NO.22.

23. SHERAFUDEEN, MAMMED KOYA, SEEMAMUNTAKATH VEEDU, MARAD, (R.P.NO.3926 THROUGH SUPERINTENDENT, DISTRICT JAIL, PUTHIYARA, KOZHIKODE)- ACCUSED NO.23.

24. MUHAMMED SHAFI @ SHAFI, S/O.KAMMUKUTTY, ADHIKARI VEEDU, (R.P.NO.4307 THROUGH SUPERINTENDENT, DISTRICT JAIL, PUTHIYARA, KOZHIKODE)- ACCUSED NO.24.

25. NAVAS, S/O.ALIKOYA, CHERUPURAKKAL VEEDU, BEYPORE (R.P.NO.4315 THROUGH SUPERINTENDENT, DISTRICT JAIL, PUTHIYARA, KOZHIKODE)- ACCUSED NO.25.

26. K.P.ABDUL MAJEED @ MAJEED, S/O.YUSAF, KUNNATHPARAMBA, BEYPORE (R.P.NO.4306 THROUGH SUPERINTENDENT, DISTRICT JAIL, PUTHIYARA, KOZHIKODE)- ACCUSED NO.26.

27. HANEEFA, S/O.USSAN KUTTY, ERJUVINTAKATH VEEDU, MARAD (R.P.NO.4086 THROUGH SUPERINTENDENT, DISTRICT JAIL, PUTHIYARA, KOZHIKODE)- ACCUSED NO.27.

28. ABDUL SALAM @ SALAM, S/O.SAHEED, CEKKINAKATH VEEDU, BEYPORE (R.P.NO.4314 THROUGH SUPERINTENDENT, DISTRICT JAIL, PUTHIYARA, KOZHIKODE)- ACCUSED NO.28.

29. K.P.RAZACK, S/O.MUHAMMED, KUNNATH PARAMBA VEEDU, MARAD (R.P.NO.4299 THROUGH SUPERINTENDENT, DISTRICT JAIL, PUTHIYARA, KOZHIKODE)- ACCUSED NO.29.

30. HARUN RASHEED @ AARU, S/O.MAJEED, KUTTICHANTAKATH VEEDU, MARAD (R.P.NO.4037 THROUGH SUPERINTENDENT, DISTRICT JAIL, PUTHIYARA, KOZHIKODE)- ACCUSED NO.30.

31. ASKAR, S/O.HAMZA, PALLITHODI VEEDU,

JUMAYATH PALLIKKADUTHU, MARAD (R.P.NO.4232 THROUGH SUPERINTENDENT, DISTRICT JAIL, PUTHIYARA, KOZHIKODE)- ACCUSED NO.31.

32. P.P.SALIM, S/O.BEERAN KOYA, PUTHIYAPURAYIL VEEDU, MARAD, (R.P.NO.3913 THROUGH SUPERINTENDENT, DISTRICT JAIL, PUTHIYARA, KOZHIKODE)- ACCUSED NO.32.

33. ILLIAS, S/O.MOIDEEN KOYA, KINATINGALAKATH VEEDU, MARAD, (R.P.NO.3874 THROUGH SUPERINTENDENT, DISTRICT JAIL, PUTHIYARA, KOZHIKODE)- ACCUSED NO.33.

34. NOUFAL, S/O.ABOOBACKER, KINATINGALATH VEEDU, MARAD (R.P.NO.4263 THROUGH SUPERINTENDENT, DISTRICT JAIL, PUTHIYARA, KOZHIKODE)- ACCUSED NO.34.

35. NAJMUDEEN @ SIBIYAN, S/O.HUSSAN, ABOOBACKERAKATH VEEDU, MARAD (R.P.NO.5742 THROUGH SUPERINTENDENT, DISTRICT JAIL, PUTHIYARA, KOZHIKODE)- ACCUSED NO.35.

36. MUJEEB, S/O.MAMUKOYA, KUTTICHINTAKATH, MARAD (R.P.NO.3871 THROUGH SUPERINTENDENT, DISTRICT JAIL, PUTHIYARA, KOZHIKODE)- ACCUSED NO.36.

37. ABDUL SALEM, S/O.HAMZA, PALLITHODI, MARAD (R.P.NO.3896 THROUGH SUPERINTENDENT, DISTRICT JAIL, PUTHIYARA, KOZHIKODE)- ACCUSED NO.37.

38. DALHATH, S/O.HAMZA, THALAKKALAKATH, MARAD (R.P.NO.3998 THROUGH SUPERINTENDENT, DISTRICT JAIL, PUTHIYARA, KOZHIKODE)- ACCUSED NO.38.

39. ASHIQUE, S/O.MAJEED, KUTTICHANKADATH VEEDU, MARAD (R.P.NO.4205 THROUGH SUPERINTENDENT, DISTRICT JAIL, PUTHIYARA, KOZHIKODE)- ACCUSED NO.39.

40. ABDUL KHANI, S/O.BEERAN KOYA, THALAKKALAKATH VEEDU, MARAD (R.P.NO.4206 THROUGH

SUPERINTENDENT, DISTRICT JAIL, PUTHIYARA, KOZHIKODE)- ACCUSED NO.40.

41. SHAMSU, S/O.YUSAF, KINATTINGALAKATH VEEDU, MARAD (R.P.NO.3927 THROUGH SUPERINTENDENT, DISTRICT JAIL, PUTHIYARA, KOZHIKODE)- ACCUSED NO.41.

42. ANSU, S/O.BEERAN KOYA, PUTHENPEEDIYEKKAL VEEDU, MARAD (R.P.NO.3925 THROUGH SUPERINTENDENT, DISTRICT JAIL, PUTHIYARA, KOZHIKODE)- ACCUSED NO.42.

43. JAFARULLAS.T.P., S/O.T.P.RAZZACK, THEKKEPURATH VEEDU, MARAD (R.P.NO.3910 THROUGH SUPERINTENDENT, DISTRICT JAIL, PUTHIYARA, KOZHIKODE)- ACCUSED NO.43.

44. SHOUKATHALI @ AKKATHALI, S/O.ABOOBACKER, THALAKALAKATH VEEDU, MARAD (R.P.NO.4198 THROUGH SUPERINTENDENT, DISTRICT JAIL, PUTHIYARA, KOZHIKODE)- ACCUSED NO.44.

45. JAISAL.T.P., S/O.RAZZACK, THEKKEPURATH VEEDU, MARAD (R.P.NO.5731 THROUGH SUPERINTENDENT, DISTRICT JAIL, PUTHIYARA, KOZHIKODE)- ACCUSED NO.45.

46. SIRAJUDEEN @ SIRAJ, S/O.ABDUL KHADER, PAREECHANTAKATH VEEDU, MARAD (R.P.4228 THROUGH SUPERINTENDENT, DISTRICT JAIL, PUTHIYARA, KOZHIKODE)- ACCUSED NO.46.

47. ISAHAK.T.P., S/O.IMBICHIKOYA, THERKKEPURATH VEEDU, MARAD (R.P.4520 THROUGH SUPERINTENDENT, DISTRICT JAIL, PUTHIYARA, KOZHIKODE)- ACCUSED NO.47.

48. SADIK.T.P., S/O.ASSAINAR KUTTY, THEKKEPURATH VEEDU, MARAD (R.P.3882 THROUGH SUPERINTENDENT, DISTRICT JAIL, PUTHIYARA, KOZHIKODE)- ACCUSED NO. 48.

49. JAFFAR, S/O.ALI, PUTHIYAPURAYIL

VEEDU, MARAD (R.P.4519
THROUGH SUPERINTENDENT, DISTRICT JAIL,
PUTHIYARA, KOZHIKODE)- ACCUSED NO.49.

50. THAHA, S/O.MOIDEEN KOYA, NAINAN
VALAPPU, MARAD (R.P.4661 THROUGH SUPERINTENDENT,
DISTRICT JAIL, PUTHIYARA, KOZHIKODE)-ACCUSED
NO.50.

51. BURSHAD @ KUNHIMON, S/O.MAMU,
THALAKKALAKATH VEEDU, MARAD (R.P.NO.4235
THROUGH SUPERINTENDENT, DISTRICT JAIL, PUTHIYARA,
KOZHIKODE)-ACCUSED NO.51.

52. YUNAS.N.V., S/O.MOIDEEN KOYA
NAINANVALAPPIL VEEDU, JUMAYATH PALLIKKADUTHU,
MARAD (R.P.NO.3891 THROUGH SUPERINTENDENT,
DISTRICT JAIL, PUTHIYARA, KOZHIKODE)-
ACCUSED NO.52.

53. SUHAIB, S/O.POVARKUTTY, ARAYIL VEEDU,
JUMAYATH PALLIKUTHEKKU, MARAD (R.P.NO.5744
THROUGH SUPERINTENDENT, DISTRICT JAIL,
PUTHIYARA, KOZHIKODE)-ACCUSED NO.53.

54. NIZAR, S/O.MAMMALI, KINATTINGALAKATH
VEEDU, MARAD (R.P.NO.4199 THROUGH
SUPERINTENDENT, DISTRICT JAIL,
PUTHIYARA, KOZHIKODE)-ACCUSED NO.54.

55. THAJUDEEN, S/O.KOYATTY, SEEMAMUNTAKATH
VEEDU, MARAD (R.P.NO.6920 THROUGH
SUPERINTENDENT, DISTRICT JAIL,
PUTHIYARA, KOZHIKODE)-ACCUSED NO.55.

56. ALI AKBAR @ ALI, S/O.BEERAN,
THEKKEPURATH VEEDU, MARAD (R.P.NO.4229 THROUGH
SUPERINTENDENT, DISTRICT JAIL,
PUTHIYARA, KOZHIKODE)-ACCUSED NO.57.

57. ASKAR, S/O.ABDURAHIMAN, KINATINGALAKATH
VEEDU, MARAD (R.P.NO.4233 THROUGH SUPERINTENDENT,
DISTRICT JAIL, PUTHIYARA, KOZHIKODE)-ACCUSED
NO. 58.

58. NOUSHAD, S/O.MAMMED KOYA,

SEEMAMUNTAKATH VEEDU, MARAD (R.P.NO.4518 THROUGH SUPERINTENDENT, DISTRICT JAIL, PUTHIYARA, KOZHIKODE)-ACCUSED NO.59.

59. RAFI, S/O.MOIDEENKOYA, KINATINGALAKATH VEEDU, MARAD, (R.P.NO.3914 THROUGH SUPERINTENDENT, DISTRICT JAIL, PUTHIYARA, KOZHIKODE)-ACCUSED NO.60.

60. SIRAJ, S/O.YUSAF, KINATINGALAKATH VEEDU, MARAD, (R.P.NO.4546 THROUGH SUPERINTENDENT, DISTRICT JAIL, PUTHIYARA, KOZHIKODE)-ACCUSED NO.61.

61. SUDHEER @ KUNJUMON, S/O.HAMSA, ERJUVINTAKATH VEEDU, MARAD, (R.P.NO.4234 THROUGH SUPERINTENDENT, DISTRICT JAIL, PUTHIYARA, KOZHIKODE)-ACCUSED NO.63.

62. RAJEESH, S/O.MAMMED KOYA, KADAVUKARANTAKATH VEEDU, MARAD, (R.P.NO.4540 THROUGH SUPERINTENDENT, DISTRICT JAIL, PUTHIYARA, KOZHIKODE)-ACCUSED NO.64.

63. SHAMMER, S/O.HAMSA, ABOOBACKERAKATH VEEDU, MARAD, (R.P.NO.5745 THROUGH SUPERINTENDENT, DISTRICT JAIL, PUTHIYARA, KOZHIKODE)-ACCUSED NO.65.

64. ABDUL JABBAR & JABBAR, S/O. ABOOBACKER, POONARVALAPPIL, PARAKOT VEEDU, BEYPORE (R.P.NO.5748 THROUGH SUPERINTENDENT, DISTRICT JAIL, PUTHIYARA, KOZHIKODE)-ACCUSED NO.66.

65. NOUSHAD, S/O.RAZACK, KUTTICHANTAKATH VEEDU, MARAD (R.P.NO.3897 THROUGH SUPERINTENDENT, DISTRICT JAIL, PUTHIYARA, KOZHIKODE)-ACCUSED NO.67.

66. MOIDEENKOYA, S/O.SIDHIQUE, SEEMUNTAKATH VEEDU, MARAD (R.P.NO.4197 THROUGH SUPERINTENDENT, DISTRICT JAIL, PUTHIYARA, KOZHIKODE)-ACCUSED NO.68.

67. RIYAZ, S/O.MAMU, KUTTICHANTAKATH

VEEDU, MARAD (R.P.NO.4542 THROUGH SUPERINTENDENT, DISTRICT JAIL, PUTHIYARA, KOZHIKODE)-ACCUSED NO.69.

68. ASLAM, S/O.HASSAN, ABOOCKERAKATH VEEDU, MARAD (R.P.NO.4545 THROUGH SUPERINTENDENT DISTRICT JAIL, PUTHIYARA, KOZHIKODE)-ACCUSED NO.70.

69. SHAFI, S/O.SAVANKUTTY, THALAKKAALAKTH VEEDU, MARAD (R.P.NO.4265 THROUGH SUPERINTENDENT, DISTRICT JAIL, PUTHIYARA, KOZHIKODE)-ACCUSED NO.71.

70. MUNEER, S/O.ABDULLA, SEEMAMUNTAKATH VEEDU, MARAD (R.P.NO.4216 THROUGH SUPERINTENDENT, DISTRICT JAIL, PUTHIYARA, KOZHIKODE)-ACCUSED NO.72.

71. MUJEEB RAHMAN, S/O.HAMSA, ARAYYANVEETTIL VEEDU, MARAD (R.P.NO.4658 THROUGH SUPERINTENDENT, DISTRICT JAIL, PUTHIYARA KOZHIKODE)-ACCUSED NO.73.

72. SHAFI, S/O.ABDULLA, SEEMAMUNTAKATH VEEDU, MARAD (R.P.NO.4214 THROUGH SUPERINTENDENT, DISTRICT JAIL, PUTHIYARA KOZHIKODE)-ACCUSED NO.74.

73. SHUKKUR, S/O.MAMMEDKOYA, PUTHENPEEDIYEKKAL VEEDU, MARAD (R.P.NO.4215 THROUGH SUPERINTENDENT, DISTRICT JAIL, PUTHIYARA KOZHIKODE)-ACCUSED NO.75.

74. ALI KOYA, S/O.KHALID, SEEMAMUNTAKATH VEEDU, MARAD (R.P.NO.4230 THROUGH SUPERINTENDENT, DISTRICT JAIL, PUTHIYARA, KOZHIKODE)-ACCUSED NO.76.

75. SAKEER HUSSAIN, S/O.HAMSA, SEEMAMUNTAKATH VEEDU, MARAD (R.P.NO.5733 THROUGH SUPERINTENDENT, DISTRICT JAIL, PUTHIYARA, KOZHIKODE)-ACCUSED NO.77.

76. SAIDU MUHAMMED @ MURSHID, S/O.KOYA, SEEMAMUNTAKATH VEEDU,

SRAMBIKAL PARAMBA, MARAD (R.P.NO.5736 THROUGH SUPERINTENDENT, DISTRICT JAIL, PUTHIYARA, KOZHIKODE)-ACCUSED NO.78.

77. AMEER, S/O.BEERANKOYA, PUTHENPEEDIYEKKAL HOUSE, MARAD (R.P.NO.5737 THROUGH SUPERINTENDENT, DISTRICT JAIL, PUTHIYARA, KOZHIKODE)-ACCUSED NO.79.

78. SHIHAB, S/O.KUNHIKOYA, PUTHENPEEDIYEKKAL HOUSE, MARAD (R.P.NO.5743 THROUGH SUPERINTENDENT, DISTRICT JAIL, PUTHIYARA, KOZHIKODE)-ACCUSED NO.80.

79. THAJUDEEN, S/O.HAMZA, THEKKEPURATH VEEDU, MARAD (R.P.NO.5746 THROUGH SUPERINTENDENT, DISTRICT JAIL, PUTHIYARA, KOZHIKODE)-ACCUSED NO.81.

80. NAVAS, S/O.ALI, KINTINGALAKATH VEEDU, MARAD (R.P.NO.4543 THROUGH SUPERINTENDENT, DISTRICT JAIL, PUTHIYARA, KOZHIKODE)-ACCUSED NO.82.

81. SAKEER, S/O.HAMZA, ABOOBACKARAKATH VEEDU, MARAD (R.P.NO.4544 THROUGH SUPERINTENDENT, DISTRICT JAIL, PUTHIYARA, KOZHIKODE)-ACCUSED NO.83.

82. SUBAIR @ KOYAMON, S/O.ABOOBACKER, KUTTICHICHANTAKATH VEEDU, MARAD (R.P.NO.4538 THROUGH SUPERINTENDENT,DISTRICT JAIL, PUTHIYARA, KOZHIKODE)-ACCUSED NO.84.

83. SHIHAB, S/O.ABDULLA, SEEMAMUNDAKATH VEEDU, MARAD (R.P.NO.4207 THROUGH SUPERINTENDENT,DISTRICT JAIL, PUTHIYARA, KOZHIKODE)-ACCUSED NO.85.

84. MUHAMMED RAFI, S/O.MUHAMMED KOYA, PUTHIYAPURAYIL VEEDU, MARAD (R.P.NO.5747 THROUGH SUPERINTENDENT,DISTRICT JAIL, PUTHIYARA, KOZHIKODE)-ACCUSED NO.86.

85. SADHAKATHULLA, S/O.ABDURAHIMAN, KALATHIL VEEDU, MARAD (R.P.NO.3965

THROUGH SUPERINTENDENT,DISTRICT JAIL, PUTHIYARA, KOZHIKODE)-ACCUSED NO.87.

86. K.V.RAFEEQUE, S/O.NURUDHEEN, KARUVALAPPIL VEEDU, NADUVATTOM AMSOM THEKKEVALAPPU COLONY (R.P.NO.3884 THROUGH SUPERINTENDENT,DISTRICT JAIL, PUTHIYARA, KOZHIKODE)-ACCUSED NO.89.

87. RAFEEQUE, S/O.HAMZA, SEEMAMUNTAKATHY VEEDU, MARAD (R.P.NO.4264 THROUGH SUPERINTENDENT, DISTRICT JAIL, PUTHIYARA, KOZHIKODE)- ACCUSED NO.90.

88. SHAJAHAN, S/O.HAMZA, THALAKKALAKATH VEEDU, MANALODI, VAYAL, VAYANASALAKKU VADAKKU, NADAUVATTAM AMSOM, MARAD (R.P.NO.3887 THROUGH SUPERINTENDENT, DISTRICT JAIL, PUTHIYARA, KOZHIKODE)- ACCUSED NO.92.

89. YAKUB, S/O.USMAN KUTTY, PAREECHANTAKATHU VEEDU, MARAD (R.P.NO.4541 THROUGH SUPERINTENDENT, DISTRICT JAIL, PUTHIYARA, KOZHIKODE)-ACCUSED NO.93.

90. LATHEEF, S/O.ABDULLA KUTTY, THEKKEPURATH VEEDU, CHETTIPADY, ALUNGAL BEACH, PARAPPANGADI, (R.P.NO,6393 THROUGH SUPERINTENDENT, DISTRICT JAIL, PUTHIYARA, KOZHIKODE)-ACCUSED NO.94.

91. SAMAD, S/O.MUHAMMED MUSALIAR, PAIKKATHODI VEEDU, BEYPORE (R.P.NO.4313 THROUGH SUPERINTENDENT, DISTRICT JAIL, PUTHIYARA, KOZHIKODE) ACCUSED NO.96.

92. MOIDEEN KOYA, KUNHIMUHAMMED KUTTY, CHEERAMANTEPURAKKAL, ALUNGAL BEACH, CHETTIPPADY, PARAPPANANGADI, MALAPPURAM, (R.P.NO.4141 THROUGH SUPERINTENDENT, PUTHIYARA, KOZHIKODE) ACCUSED NO.97.

93. SAKEER, S/O.KUNJUMARAKKAR, THEKKEDATH VEEDU, CHETTIPPADY, PARAPPANANGADI AMSOM DESOM, MALAPPURAM ((R.P.NO.4139 THROUGH SUPERINTENDENT, PUTHIYARA, KOZHIKODE)

ACCUSED NO.98.

94. BASHEER.P.P., S/O.NURUDHEEN,
POOZHIKURAVANTEPURAKKAL VEEDU,
CHETTIPPADI AMSOM DESOM, ALUNGAL BEACH,
PARAPPANANGADI, MALAPPURAM (R.P.NO.4178 THROUGH
SUPERINTENDENT, DISTRICT JAIL, PUTHIYARA,
KOZHIKODE)-ACCUSED NO.99.

95. RAFEEQUE, S/O.KADER, KINATTINGAL
VEEDU, KOYA ROAD, PALLIKANDI VEEDU,
KOYA ROAD, PUTHIYANGADI (R.P.NO.4348 THROUGH
SUPERINTENDENT, DISTRICT JAIL, PUTHIYARA,
KOZHIKODE, ACCUSED NO.100.

96. ABDUL SHUKKUR @ SUKKUR,
S/O.ABDULLAKUTTY, PALLIKANDI VEEDU,
KOYA ROAD, PUTHIYANGADI, MARAD (R.P.NO.4349
THROUGH SUPERINTENDENT, DISTRICT JAIL,
PUTHIYARA, KOZHIKODE) ACCUSED NO.101.

97. BICHIKOYA, S/O.HAMZA,
THAIKOTTAMPARAMBA VEEDU, KOYA ROAD,
PUTHIYANGADI (R.P.NO.4347 THROUGH SUPERINTENDENT
DISTRICT JAIL, PUTHIYARA, KOZHIKODE)
ACCUSED NO.102.

98. HANEEFA @ FAROOQ, S/O.HAJI SHAIK
MOIDEEN, MUKHADAR BEACH, THEKKUMTHALA PARAMBA,
PALLIKANDY, (R.P.NO.3929 THROUGH SUPERINTENDENT,
DISTRICT JAIL, PUTHIYARA, KOZHIKODE)
ACCUSED NO.103.

99. MAMMED, S/O.ALI, SILK HOUSE,
VATTAKUNDU, PALLIKANDY, KALLAYI (ON BAIL)-
ACCUSED NO.104.

100. MUHAMMED NAFI @ NAFI, S/O.USMAN,
MELATTUTHAZHEPARAMBA VEEDU, OLAVANNA,
(R.P.NO.4140 THROUGH SUPERINTENDENT, DISTRICT
JAIL, PUTHIYARA, KOZHIKODE) ACCUSED NO.105.

101. YUSUF, S/O.ABOOBACKER,
ARAKKALTHODIKAYIL VEEDU, PALLIKANDY,
MUKHADAR, NAGARAM AMSOM DESOM, (ON BAIL),
ACCUSED NO.106.

102. ABDUL AZEEZ, S/O.MUHAMMED HAJI
AREKODE, KORALIYARD, VADAKKEKANDY VEEDU,
MALAPPURAM, (R.P.NO.4409 THROUGH SUPERINTENDENT,
DISTRICT JAIL, PUTHIYARA, KOZHIKODE)
ACCUSED NO.107.

103. SUBRAMANIAN, S/O.UNNIKUTTY,
THUVVAKKAD, PUTHANPALLY, MALAPPURAM
(ON BAIL) ACCUSED NO.108.

104. KAMARUDEEN, S/O.HUSSAINKOYA,
SEEMAMUNTAKATH, MARAD (R.P.NO.4807 THROUGH
SUPERINTENDENT, DISTRICT JAIL, PUTHIYARA,
KOZHIKODE) ACCUSED NO.109.

105. NAWAVI, S/O.MAMMED KOYA,
SEEMAMUNTAKATH, MARAD (R.P.NO.4925 THROUGH
SUPERINTENDENT, DISTRICT JAIL, PUTHIYARA,
KOZHIKODE) ACCUSED NO.110.

106. ABDUL KAREEM, S/O.SIDHIQUE,
SEEMAMUNDAKATH VEEDU, BEYPORE AMSOM,
MARADE R.P.NO.3873 THROUGH SUPERINTENDENT,
DISTRICT JAIL, KOZHIKODE-ACCUSED NO.111.

107. NOUSHADALI, S/O.HAMSA,
PALLITHODY, KAITHAVALAPPU, AUTO DRIVER,
MARAD R.P.NO.7593 THROUGH SUPERINTENDENT,
DISTRICT JAIL, KOZHIKODE-ACCUSED NO.112.

108. FAIZAL, S/O.ABOOBACKER,
KINATTINGALAKATH VEEDU, BEYPORE AMSOM,
MARAD R.P.NO.3895 THROUGH SUPERINTENDENT,
DISTRICT JAIL, KOZHIKODE-ACCUSED NO.113.

109. ASHRAF, S/O.MOIDEENKOYA,
SEEMAMUNTAKATH VEEDU, BEYPORE AMSOM,
MARAD R.P.NO.3877 THROUGH SUPERINTENDENT,
DISTRICT JAIL, KOZHIKODE-ACCUSED NO.114.

110. FAROOQ, S/O.ABDURAHIMAN,
KINATTINGALAKATH VEEDU, BEYPORE AMSOM,
MARAD (R.P.NO.3898 THROUGH SUPERINTENDENT,
DISTRICT JAIL, PUTHIYARA, KOZHIKODE)-
ACCUSED NO.115.

111. ABDUL SALAM, S/O.USMAN, KINATTINGALAKATH VEEDU, MARAD (R.P.NO.3899 THROUGH SUPERINTENDENT, DISTRICT JAIL, PUTHIYARA, KOZHIKODE)- ACCUSED NO.116.

112. T.P.MUSTHAFA, S/O.AHAMMEDKOYA, THEKKEPURATH VEEDU, MARAD (R.P.NO.3915 THROUGH SUPERINTENDENT, DISTRICT JAIL, PUTHIYARA, KOZHIKODE)- ACCUSED NO.117.

113. ASSAINAR, S/O.SEETHIKUTTY, THEKKEPURATH VEEDU, MARAD (R.P.NO.5735 THROUGH SUPERINTENDENT, DISTRICT JAIL, PUTHIYARA, KOZHIKODE)- ACCUSED NO.118.

114. ABDUL KHADER, S/O.HUSSAIN, PAREECHANTAKATH VEEDU, MARAD (R.P.NO.5739 THROUGH SUPERINTENDENT, DISTRICT JAIL, PUTHIYARA, KOZHIKODE) ACCUSED NO.119.

115. ABOOBAKCER, S/O.KUNHIMARAKKAR, KUTTICHNATAKATH VEEDU, MARAD (R.P.NO.5740 THROUGH SUPERINTENDENT, DISTRICT JAIL, PUTHIYARA, KOZHIKODE) ACCUSED NO.120.

116. ALIKOYA, S/O.BEERANKUNHI, THEKKEPURATH VEEDU, MARAD. (R.P.NO.3893 THROUGH SUPERINTENDENT, DISTRICT JAIL, PUTHIYARA, KOZHIKODE) ACCUSED NO.121.

117. BASHEER, S/O.BICHAMU, ABOOBACKERINTAKATH VEEDU, (R.P.NO.3883 THROUGH SUPERINTENDENT, DISTRICT JAIL, PUTHIYARA, KOZHIKODE)-ACCUSED NO.122.

118. BEERAN, S/O.ABDULLAKUTTY, THALAKKALAKALATH VEEDU, PUTHECHERIYAKKAL VEEDU, MARAD, (R.P.5732 THROUGH DISTRICT JAIL, PUTHIYARA, KOZHIKODE), ACCUSED NO.123,

119. HUSSAIN S/O.AVAARAN KUTTY, SEEMAMUNTAKATH, MARAD, (R.P.NO.3878 THROUGH SUPERINTENDENT, DISTRICT JAIL, PUTHIYARA, KOZHIKODE)-ACCUSD NO.124.

120. KUNHIKOYA, S/O.ALSSANKUTTY,
PUTHENCHERIYAKKAL VEEDU, MARAD
(R.P.NO.5734 THROUGH SUPERINTENDENT,
DISTRICT JAIL, PUTHIYARA, KOZHIKODE),
ACCUSED NO.125.

121. MAMMED KOYA, S/O.ALASSANKUTTY,
PUTHENPEEDIYEKKAL VEEDU, MARAD
(R.P.NO.3881 THROUGH SUPERINTENDENT
DISTRICT JAIL, PUTHIYARA)-ACCUSED NO.126.

122. MAMMED KOYA S/O.KHADER,
SEEMAMUNTAKATH VEEDU, MARAD,
(R.P.NO.3892 THROUGH SUPERINTENDENT,
DISTRICT JAIL, PUTHIYARA, KOZHIKODE)
ACCUSED NO.127.

123. T.P.RAZACK, S/O.IBRAHIM,
THEKKEPURATH VEEDU, MANGATTUPARAMBA,
MARAD. (R.P.NO.5735 THROUGH SUPERINTENDENT
DISTRICT JAIL, PUTHIYARA, KOZHIKODE)
(ACCUSED NO.128.)

124. USMAN KOYA, S/O.AHAMMED,
ERJUVINTAKATH VEEDU, MARAD. (R.P.NO.3889
THROUGH SUPERINTENDENT, DISTRICT JAIL,
PUTHIYARA, KOZHIKODE)-ACCUSED NO.129.

125. ABOOBACKER KOYA, S/O.ABDURAHMAN,
PSREECHINTAKATH VEEDU, MARAD (R.P.NO.3888
THROUGH SUPERINTENDENT, DISTRICT JOIL,
PUTHIYARA, KOZHKODE)-ACCUSED NO.130.

126. ABBAS, S/O.MAMMU, THEKKEPURATH VEEDU,
MARAD, (R.P.NO.5741 THROUGH SUPERINTENDENT
DISTRICT JAIL, PUTHIYARA, KOZHIKODE)
ACCUSED NO.131.

127. ABDUL NAZAR, S/O.MAMUKOYA,
PUTHENPEEDIYEKKAL VEEDU, MARAD (R.P.NO.3870
THROUGH SUPERINTENDENT, DISTRICT JAIL,
PUTHIYARA, KOZHIKODED) ACCUSED NO.133.

128. AZEEZ. T.P., S/O.ASSAINAR KUTTY,
THEKKEPURATH VEEDU, MARAD. (R.P.NO.3886

THROUGH SUPERINTENDENT, DISTRICT JAIL, PUTHIYARA, KOZHIKODE)-ACCUSED NO.134.

129. ASHRAF, S/O.ABDULLA, SEEMAMUNTAKATH VEEDU, MARAD. (R.P.NO.4266 THROUGH SUPERINTENDENT, DISTRICT JAIL, PUTHIYARA, KOZHIKODE)-ACCUSED NO.135.

130. BASHEER, S/O.AHAMMED KUNHI, PUTHENPEEDIYEEKKAL VEEDU, MARAD, (R.P.NO.3869 THROUGH SUPERINTENDENT, DISTRICT JAIL, PUTHIYARA, KOZHIKODE) ACCUSED NO.136.

131. JAFFAR.K.P., S/O.USMAN, PALLITHODI VEEDU, MARAD. (R.P.NO.3894 THROUGH SUPERINTENDENT, DISTRICT JAIL, PUTHIYARA, KOZHIKODE)-ACCUSED NO.137.

132. KASMI. T.P., S/O.KAMMU, THEKKEPURATH VEEDU, MARAD. (R.P.NO.3900 THROUGH SUPERINTENDENT, DISTRICT JAIL, PUTHIYARA, KOZHIKODE)-ACCUSED NO.138.

133. LATHEEF, S/O.ASSAINAR, SEEMAMUNTAKATH VEEDU, MARAD, (R.P.NO.3875 THROUGH SUPERINTENDENT, DISTRICT JAIL, PUTHIYARA, KOZHIKODE) ACCUSED NO.139.

134. K. MAJEED, S/O.MUHAMMED @ MAMMED, KINATTINGALAKATH VEEDU, MARAD. (R.P.NO. THROUGH SUPERINTENDENT, DISTRICT JAIL, PUTHIYARA, KOZHIKODE)-ACCUSED NO.140.

135. MOIDEEN KOYA (WARD MEMBER) S/O. ABDURAHIMAN, PAREECHINTAKATH VEEDU, MARAD (R.P.NO.3964 THROUGH SUPERINTENDENT, DISTRICT JAIL, PUTHIYARA, KOZHIKODE) ACCUSED NO.141.

136. MAJEED, S/O.SAIDALAVI @ SAIDALI, PALLITHODI VEEDU, MARAD (R.P.NO.3876 THROUGH SUPERINTENDENT, DISTRICT JAIL, PUTHIYARA, KOZHIKODE) ACCUSED NO.142.

137. NAZEER, S/O.HAMZA, ERJUVINTAKATH,
MARAD (R.P.NO.4926 THROUGH SUPERINTENDENT,
DISTRICT JAIL, PUTHIYARA, KOZHIKODE)
ACCUSED NO.144.

138. JAMSHEER, S/O.MAMUKOYA,
PUTHENPEEDIYEKKAL (KALLUVECHAVEETTIL),
MARAD (R.P.NO.4808 THROUGH SUPERINTENDENT,
DISTRICT JAIL, PUTHIYARA, KOZHIKODE)
ACCUSED NO.145.

139. ASHRAF, S/O. MAMMAD, KUTTICHANTAKATH,
MARAD (R.P.NO.THROUGH SUPERINTENDENT,
DISTRICT JAIL, PUTHIYARA, KOZHIKODE)
ACCUSED NO.146.

140. MUBARACK, S/O.BEERAN KOYA,
PUTHIYAPURAYIL, MARAD (R.P.NO.THROUGH
SUPERINTENDENT, DISTRICT JAIL, PUTHIYARA,
KOZHIKODE) ACCUSED NO.147.

141. NIZAMUDEEN, S/O.MAMUKOYA,
KALLUVECHAVEETTIL HOUSE, MARAD, KOZHIKODE,
(R.P.NO.THROUGH SUPERINTENDENT, DISTRICT JAIL,
PUTHIYARA, KOZHIKODE) ACCUSED NO.148.

BY

THIS CRIMINAL REVISION PETITION HAVING COME UP FOR ADMISSION ON 21/11/2007, THE COURT ON THE SAME DAY PASSED THE FOLLOWING:

V. RAMKUMAR, J.

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Crl.R.P.No. 4114 of 2007

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Dated this the 21st day of November, 2007

ORDER

In this revision filed by the State of Kerala represented by the Public Prosecutor of the High Court of Kerala, the State challenges the order dated 19.10.07 passed by the Court of Special Additional Sessions Judge (Marad Cases), Kozhikode rejecting the request of the Special Public Prosecutor in charge of the case to issue certified copies of the statements of the accused examined under Section 313(1)(b) Cr.P.C on the ground that it is a physical impossibility to do so within a reasonable time.

2. Since the limited prayer of the State is only to issue certified copies of the 313 statements of the accused to the Special Public Prosecutor, notice to 141 respondents who are accused in the case is dispensed with in this revision.

3. I heard Adv.P.G.Thampi, Director General of Prosecution in support of the revision. The case namely S.C.No.555 of 2003 popularly known as 'the Marad Carnage case' is now on trial before the Special Court (Marad cases), Kozhikode, in which

nine persons were allegedly massacred in the communal clashes which took place in the year 2002.

4. The charge sheet was filed on 31.7.03 against 148 persons. Out of them, five persons where juveniles and their cases were accordingly transferred to Juvenile Justice Court. The remaining 141 accused stood trial before the Special Court. The prosecution evidence started on 30.12.04 and was closed on 19.10.07. During the trial 252 witnesses were examined on the side of the prosecution and 788 documents were marked as Exts.P1 to P788 365 MOs were identified and marked. Thereafter the defence examined 7 witnesses and got marked 9 documents as Exts.D1 to D9. Six persons were examined as court witnesses.

5. Having regard to the enormity of the prosecution evidence and having regard to the tremendous time consumed by the case, this Court had permitted the Special Court to continue the examination of the accused under Sec.313 (1) (b) Cr.P.C by supplying the incriminating circumstances in the form of a questionnaire, so that the accused could answer the questionnaire and submit the same to the Court and thereby

save much time of the Court. By the time this Court permitted the Special Court to do so, some of the accused had already been examined in open Court. Questionnaires were supplied only to 139 accused. The total number of pages of the questionnaire supplied to the 139 accused run into 2,70,000 pages. It was at this juncture that the Special Public Prosecutor in charge of the case made the above request for supply of certified copies of the 313 statements of the accused. The request was turned down by the Special Court on the ground of physical impossibility to do so within a reasonable time. That court, however, permitted the Special Public Prosecutor or his assistants to go through the questions and answers and, if necessary, to take extracts of the same in the open court or in the office of the Court in the presence of the bench clerk or the bench assistants.

6. Sri.P.G.Thampi submitted that eventhough it may not be necessary to take the copies of the statements of all the accused for the purpose of arguments before the trial court, the same may however be necessary if the matter were to be carried to the Superior courts at any stage of the case, since senior advocates conducting the case on behalf of the State may require the

statements of each and every accused persons either for their personal verification or for making submissions before the Court. He therefore submitted that the State Government is prepared to ensure that a good number of photocopying machines are installed in the Special Court and photostat copies of the 313 statements of all the accused persons are taken at the expense of the State after remitting in the court below the necessary stamp duty thereon. Sri.Thampi further submitted that the whole process may not take more than seven working days, provided this Court allows the State Government to take the photostat copies from the precincts of the Special Court itself.

7. I fail to understand why the said request should not be allowed. For the effective conduct of the prosecution, the Public Prosecutor in charge of the case is entitled to have certified copies of all the documents including the statements of the accused recorded under Section 313 (1)(b)Cr.P.C. Under Rule 248 of the Criminal Rules of Practice Kerala, copies of all relevant records in any criminal proceedings are entitled to be supplied to the Public Prosecutor on his application either on copies of stamp papers, or on a plainpaper at the discretion of

the Judge or the Magistrate. Rule 238 of the said Rule is also a pointer to indicate that upon remittance of a reasonable fee, copies of maps plans etc. can be supplied to the applicants after the same are copied on ordinary stamp paper or on plainpaper even by employing casual labour for which payment of remuneration is also contemplated. Sri.P.G.Thampi submitted that for the specific purpose of obtaining certified copies of the 313 statements of the accused, a sum of Rs.5 lakhs has already been sanctioned by the State.

8. In view of what has been stated above, I do not find any good reason to reject the application filed before the Court below by the Special Public Prosecutor for supply of certified photostat copies of the 313 statements of the accused persons. Accordingly the impugned order is set aside and C.A.No.15/2007 filed before the court below shall stand allowed.

9. The State shall ensure that more than ten working days is not taken for taking the certified photostat copies of the 313 statements of the accused in the above case. The State shall also ensure that adequate number of photostat machines are installed in the precinct of the Special Court to ensure that the photostat

copies are taken with authenticity and expeditiously. I also place on record the statement made by Sri.P.G.Thampi that instructions have already been given to the Special Public Prosecutor in charge of the case that the further trial and hearing of the case shall not be interrupted or delayed on account of the prosecution taking copies of the 313 statements of the accused. The whole process of taking copies shall be completed on or before 6.12.07.

This revision is disposed of as above.

V. RAMKUMAR, JUDGE

sj

/True Copy/

P.A To Judge